

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Claim ID: 13-271

Date Received: 2/5/25

Receipt No: P001837

Claim Fee: \$50.00 By: MB

RECEIVED

FEB 07 2025

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) Consolidated Irrigation Company Phone (208) 223-4045
Mailing address P.O. Box 54 Preston Idaho Zip 83263
Street or Box City State
Email address (optional) consolidatedirrigationco@gmail.com
2. Date of priority: (Only one per claim) May 7, 1880 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Worm Creek
which is tributary to (b) Cub River
4. a. Location of point of diversion is: Township SEE, Range ATTACHED, Section SUMMARY,
1/4 of 1/4, Govt. Lot , BM, County of Franklin
Parcel no.
Additional points of diversion, if any:
If available, GPS Coordinates
b. If instream flow, beginning point of claimed instream flow is:
Township , Range , Section , 1/4 of 1/4,
Govt. Lot , BM, County of
Ending point is: Township , Range , Section , 1/4 of 1/4,
Govt. Lot , BM, County of
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Headgate into open canal.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 04/01 to 10/31 amount 50 or _____

For Stockwater purposes from 04/01 to 10/31 amount 50 or 500

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 50 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Stockwater use by Consolidated stockholders of various animals and numbers

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			DIG	IT	AL	BO	UN	DA	RY										

Parcel no(s). _____ Total number of acres irrigated 15444

10. In which county(ies) are lands listed above as place of use located? Franklin

11. Do you own the property listed above as place of use? Yes () No (☒)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
See attached spreadsheet list. or None ()

13. Remarks (Include an explanation of the priority date selected):

~~Place of use is owned by Consolidated shareholders.~~

Name of claimant(s) Consolidated Irrigation Company Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (☒)

Court District Court Decree Date July 9, 1924 Plaintiff v. Defendant McEwan Decree (1924)

If applicable provide IDWR Water Right Number 13-271

15. **Signature(s)**

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."
(b.) I/We do () do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Brian J. Jensen of Consolidated Irrigation Company
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 2/5/2025

Printed Name of Authorized Agent Brian J. Jensen

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date 2/5/2025

Address HKHC, P.O. Box 50130, Idaho Falls, ID 83402

Name of claimant(s) Consolidated Irrigation Company

Claim ID _____

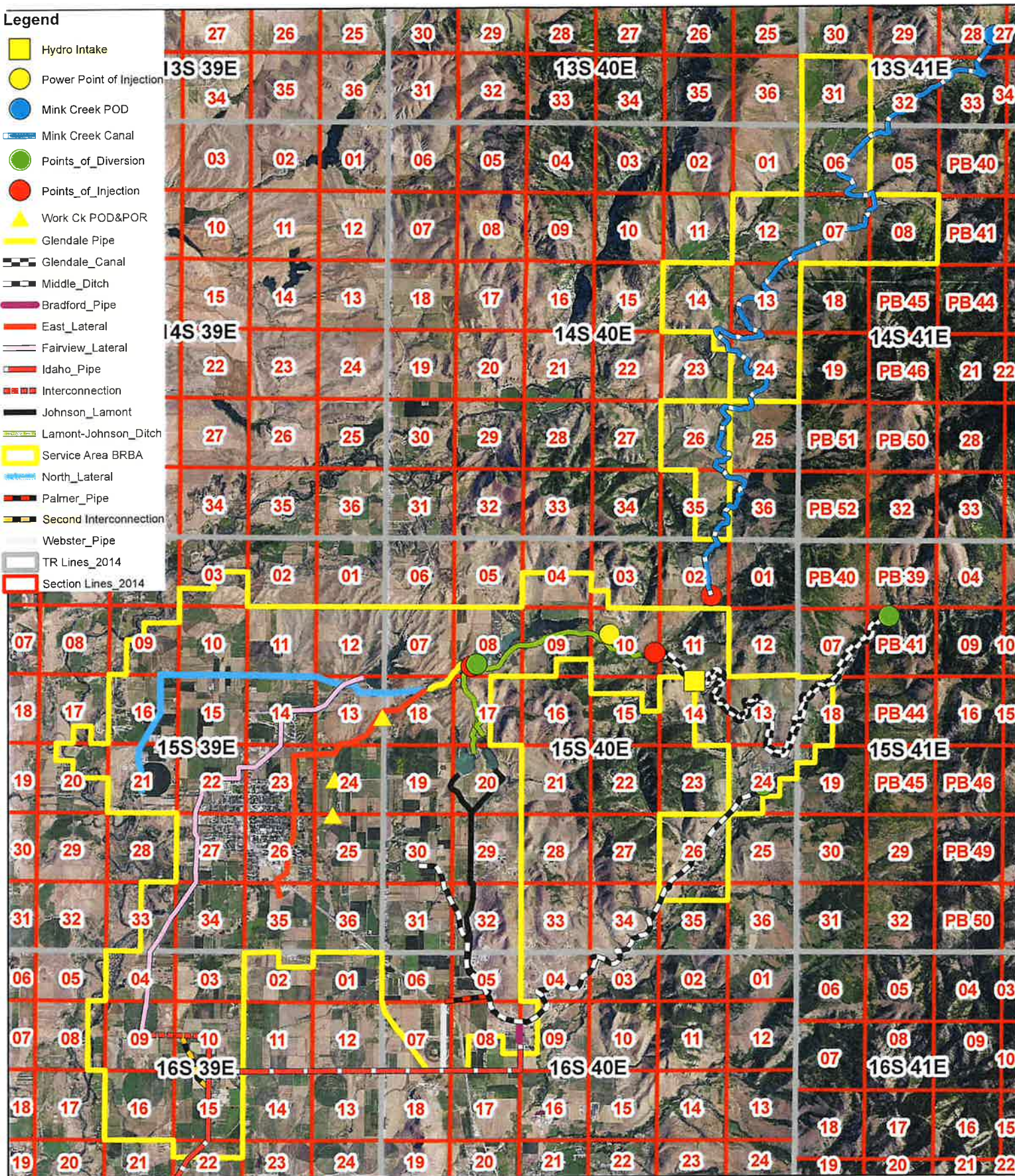
CONSOLIDATED IRRIGATION COMPANY WORM CREEK POINTS OF DIVERSION	
Worm Creek PODs	SESW, Sec. 8, 15S, 40E SESW, Sec. 8, 15S, 40E NESE, Sec. 13, 15S, 39E NESW, Sec. 24, 15S, 39E NENW, Sec. 25, 15S, 39E

CONSOLIDATED BRBA CLAIMS



Legend

- Hydro Intake
- Power Point of Injection
- Mink Creek POD
- Mink Creek Canal
- Points_of_Diversion
- Points_of_Injection
- Work Ck POD&POR
- Glendale Pipe
- Glendale_Canal
- Middle_Ditch
- Bradford_Pipe
- East_Lateral
- Fairview_Lateral
- Idaho_Pipe
- Interconnection
- Johnson_Lamont
- Lamont-Johnson_Ditch
- Service Area BRBA
- North_Lateral
- Palmer_Pipe
- Second Interconnection
- Webster_Pipe
- TR Lines_2014
- Section Lines_2014



2021 Aerial Photo

0 1.75 3.5 7 Miles

CONSOLIDATED IRRIGATION CO. WATER RIGHTS

Water Right No.	Priority Date	Source	Tributary To	Beneficial Use	Season of Use	Individual Diversion Rate Limitation (cfs)	Combined Diversion Rate Limitation (cfs)	Volume Limitation (AF-A)	Point of Diversion	Area Limitation	Applicable Court Decree or License	Conditions	Notes
13-2 (embed w/ 13-3)	4/1/1882	Cub River	Bear River	Irrigation Stockwater	4/1 to 10/31	5			NENW, Sec. 8, T15S, R41E (Glendale Canal) NWSE, Sec. 24, T15S, R40E (Middle Ditch)		McEwan v. Franklin City, Sugar Co. (McEwan Decree (1924))	This right also enjoys the provisions of a "high flow" provision contained in the McEwan Decree. In addition to the base diversion rate of 55 cfs, this high flow provision authorizes Consolidated to divert 55% of the flows in Cub River when the overall flows in Cub River exceed 100 cfs, up to a total diversion under this right of 154.9 cfs. See McEwan Decree paragraphs 4 and 5.	Originally a Preston-Whitney Irrigation Co. right. Before then, it was a Cub River and Worm Creek Canal Company and Cub River Middle Ditch Company rights.
13-2104	3/14/1924	Cub River	Bear River	Irrigation Stockwater	4/1 to 10/31	25			NENW, Sec. 8, T15S, R41E (Glendale Canal) NWSE, Sec. 24, T15S, R40E (Middle Ditch)		License (7/22/1930)		Originally a Preston-Whitney Irrigation Co. right.
13-2302 (portion)	1/9/1962	Cub River	Bear River	Irrigation Stockwater	4/1 to 10/31	6.8		2282	NENW, Sec. 8, T15S, R41E (Glendale Canal) NWSE, Sec. 24, T15S, R40E (Middle Ditch)		Worm Creek Decree (1981)		Originally a Preston-Whitney Reservoir Company right. Originally combined with a storage water component. Irrigation component is claimed separately.
13-35 (embed w/ 13-36, 13-37, 13-38)	1/1/1882	Cub River	Bear River	Municipal	1/1 to 12/31	12			NENW, Sec. 8, 15S, 41E (Glendale Canal) NWSE, Sec. 24, 15S, 40E (Middle Ditch)		McEwan v. Franklin City, Sugar Co. (McEwan Decree (1924))	The rights associated with this claim are described in paragraph 24 of the McEwan Decree.	Originally Cub River Middle Ditch Company and Cub River and Worm Creek Canal Company rights
13-2022	12/5/1908 (9/17/1910)	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	30			NWSE, Sec. 10, 15S, 40E (Johnson-Lamont Fill Ditch) SESW, Sec. 8, 15S, 40E SESW, Sec. 8, 15S, 40E NESE, Sec. 13, 15S, 39E NESW, Sec. 24, 15S, 39E NENW, Sec. 25, 15S, 39E			"A portion of this right may be used to fill Glendale Reservoir under an approved exchange application (as described in Transfer No. 78386). Diversion of water for storage in Glendale Reservoir authorized under Transfer 78386 under rights 13-2022, 13-2102, and 13-2287 shall not exceed a maximum diversion rate of 20.0 cfs or a maximum annual diversion volume of 800 at."	Originally a Preston-Whitney Reservoir Company right. Priority date incorrectly decreed as 9/17/1910; 12/5/1908 is date application for this water right was originally received by IDWR. This right can also be used to fill Johnson Reservoir pursuant to an approved exchange application.
13-2102	9/18/1923	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	10	40	4265	Under an approved exchange, a portion of this right can be diverted from Cub River at this POD: NENW, Sec. 8, T15S, R41E (Glendale Canal)			"The amount of water diverted under rights 13-2022, 13-2102, and 13-2287 shall not exceed 40 cfs or 5457 af per year."	Originally combined with a storage water component. Irrigation component is claimed separately.
13-271	5/7/1880	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	50				15444			Originally a Preston-Whitney Reservoir Company right. This right can also be used to fill Johnson Reservoir pursuant to an approved exchange application.
13-2103	3/14/1924	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	25							Originally a Preston-Whitney Irrigation Company right.
13-299	7/1/1909	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	1.36					Worm Creek Decree (1981)		Originally owned by Websters; Conveyed in exchange for Consolidated shares; Irrigation of 68 acres.
13-305A	4/1/1893	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	1.6							Originally owned by Owen; Conveyed in exchange for Consolidated shares; Irrigation of 73 acres. Original Stockwater/Domestic portion of this right retained by Owens.

NATURAL FLOW

13-3058	4/1/1895	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	0.32			SESW, Sec. 8, 15S, 40E SESW, Sec. 8, 15S, 40E NESE, Sec. 13, 15S, 39E NESW, Sec. 24, 15S, 39E NENW, Sec. 25, 15S, 39E			Originally owned by Owen; Conveyed in exchange for Consolidated shares; Irrigation of 16 acres. Worm Creek.
13-7757	4/1/1896	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	0.12						Originally owned by Nelson; Conveyed in exchange for Consolidated shares; Irrigation of 6 acres.
13-7758	4/1/1896	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	0.22						Originally owned by Smith; Conveyed in exchange for Consolidated shares; Irrigation of 11 acres.
13-7765	4/1/1896	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	0.06						Originally owned by Nichols Quarters; Conveyed in exchange for Consolidated shares; Irrigation of 3 acres.
13-7766	4/1/1896	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	0.02						Originally owned by Murphy; Conveyed in exchange for Consolidated shares; Irrigation of 1 acre.
13-8161	6/4/1879	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	1.5						Originally owned by Websters; Conveyed in exchange for Consolidated shares; Irrigation of 75 acres.
13-7747	5/1/1888	Mink Creek	Bear River	Irrigation Stockwater	4/20 to 9/30	30.13			NESE, Sec. 28, 13S, 41E	UPBL v. Last Chance (Dietrich Decree (1920))	"Consolidated Irrigation Company's water right 13-7747 authorizes the diversion of 30.13 cfs through the Mink Creek Canal. Riverdale Canal Company's water right 13-7748 authorizes the diversion of 5.87 cfs through the Preston-Riverdale Canal. When the flow of Mink Creek does not exceed 60.0 cfs at Consolidated Irrigation Company's, Riverdale Canal Company's, and Twin Lakes Canal Company's headgates then water shall be divided as follows: -2/5 to Twin Lakes Canal Co. -3/5 to Riverdale Canal Co. and Consolidated Irrigation Co."	Originally a Preston-Riverdale and Mink Creek Canal Company right. Original decree was for 36 cfs. 2/5 and 3/5 condition is reworded (as set forth to the left) based on approved transfer.
FOSTER RESERVOIR												
13-2298	2/11/1957	Cub River	Bear River	Diversion to Storage Irrigation from Storage Irrigation Storage Stockwater	10/1 to 6/15 4/1 to 10/31 1/1 to 12/31 4/1 to 10/31	90			NWNEENW, Sec. 8, T15S, R41E (Glendale Canal)	15444	License (02/1/1972)	Originally a Preston-Whitney Irrigation Company right.
13-2291	6/30/1947	Cub River	Bear River	Diversion to Storage Irrigation from Storage Irrigation Storage Stockwater	10/1 to 6/15 4/1 to 10/31 1/1 to 12/31 4/1 to 10/31	40		2407.5	NWNEENW, Sec. 8, T15S, R41E (Glendale Canal)	15444	License (12/30/1953)	Originally a Preston-Whitney Irrigation Company right.
LAMONT RESERVOIR												
13-2022 (Exchange)	12/5/1908 (9/17/1910)	Worm Creek	Cub River	Diversion to Storage Irrigation from Storage Irrigation Storage Stockwater	10/1 to 6/15 4/1 to 10/31 1/1 to 12/31 4/1 to 10/31	20		4365 620 4365	NWSE, Sec. 10, 15S, 40E (Johnson-Lamont Fill Dam) SESW, Sec. 8, 15S, 40E (Glendale Dam)		"A portion of this right may be used to fill Glendale Reservoir under an approved exchange application (as described in Transfer No. 78386). Reservoir authorized under Transfer 78386 under rights 13-2022, 13-2102, and 13-2287 shall not exceed a maximum diversion rate of 20.0 cfs or a maximum annual diversion volume of 800 af."	Originally a Preston-Whitney Reservoir Company Right. Priority date incorrectly decreed as 9/17/1910; 12/5/1908 is date application for this water right was originally received by IDWR.
13-2102 (Exchange)	9/18/1913	Worm Creek	Cub River	Diversion to Storage Irrigation from Storage Irrigation Storage Stockwater	10/1 to 6/15 4/1 to 10/31 1/1 to 12/31 4/1 to 10/31	10		4365 730 4365	SESW, Sec. 8, 15S, 40E SESW, Sec. 8, 15S, 40E NESE, Sec. 13, 15S, 39E NESW, Sec. 24, 15S, 39E NENW, Sec. 25, 15S, 39E	Worm Creek Decree (1981)	"The amount of water diverted under rights 13-2022, 13-2102, and 13-2287 shall not exceed 40 cfs or 5457 af per year."	Originally a Preston-Whitney Reservoir Company Right.
13-2287 (portion)	9/18/1913	Worm Creek	Cub River	Diversion to Storage Irrigation from Storage	10/1 to 6/15 4/1 to 10/31	10		4365	Under an approved exchange, this right can be diverted from Cub River at this POD: NENW, Sec. 8, T15S, R41E	15444		Originally a Preston-Whitney Reservoir Company Right.

RIGHTS

	1/9/1962	Cub River	Bear River	Irrigation Storage Stockwater		1/1 to 12/31 4/1 to 10/31	20	730 4265		(Glendale Canal)	License (7/1/1975)	"Rights 13-2287 and 13-2302 combined shall not exceed 730 af for irrigation storage and 730 af for irrigation storage."	Originally a Preston-Whitney Irrigation Company right.
13-2302 (portion)													
GLENDALE RESERVOIR													
13-2288	12/15/1924	Worm Creek	Cub River	Diversion to Storage		10/1 to 6/15	215			SESW, Sec. 8, 15S, 40E (Glendale Dam)	Worm Creek Decree (1981)	"Rights 13-2018, 13-2288 and 13-2288A when combined shall not exceed a diversion to storage rate of 215 cfs, and an annual storage volume of 6500.0 acre feet."	Originally a Preston-Whitney Irrigation Company right. Error in licensing of 6000 af corrected to 6500 af.
				Irrigation from Storage		4/1 to 10/31							
				Irrigation Storage		1/1 to 12/31							
				Stockwater		1/1 to 12/31							
13-2108	12/15/1924	Worm Creek	Cub River	Diversion to Storage		10/1 to 6/15	215			15444	License (5/5/1995)	"Rights 13-2018, 13-2288 and 13-2288A when combined shall not exceed a diversion to storage rate of 215 cfs, and an annual storage volume of 6500.0 acre feet." "Diversion of water into the Johnson Reservoir under Transfer No. 78386 as described under right 13-2288A shall not exceed a maximum diversion rate of 20.0 cfs."	Originally a Preston-Whitney Irrigation Company right. Error in licensing of 6000 af corrected to 6500 af.
				Irrigation from Storage		4/1 to 10/31							
				Irrigation Storage		1/1 to 12/31							
				Stockwater		1/1 to 12/31							
13-2288A	12/15/1924	Cub River	Bear River	Diversion to Storage		10/1 to 6/15	215			NENW, Sec. 8, T15S, R41E (Glendale Canal)			
				Irrigation from Storage		4/1 to 10/31							
				Irrigation Storage		1/1 to 12/31							
				Stockwater		1/1 to 12/31							